

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

JACQUELINE O. RICHARDSON,  
Petitioner,

VS.

JOE KEFFER, Warden,  
FMC-Carswell,  
Respondent.

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CIVIL ACTION NO.4:10-CV-729-Y

ORDER ADOPTING  
MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Jacqueline O. Richardson under 28 U.S.C. § 2241, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on February 16, 2011; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on February 28, 2011.

The Court, after **de novo** review, concludes that the Petitioner's objections must be overruled, that the Respondent's motion to dismiss must be granted, and the petition for writ of habeas corpus under 28 U.S.C. § 2241 should be dismissed for lack of jurisdiction, for the reasons stated in the magistrate judge's findings and conclusions.<sup>1</sup>

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<sup>1</sup>As determined by the magistrate judge, as Richardson was not convicted of any offenses involving the "honest services" doctrine, the decision of the Supreme Court in *Skilling v. United States*, 130 S.Ct. 2896 (2010) has no relevance and is not applicable. The magistrate judge also determined that the *Skilling* decision is not a retroactively-applicable decision for purposes of the first element in the test for determining whether a § 2241 petition may be filed consistent with the "savings clause" of § 2255. The respondent has now acknowledged to this Court that the *Skilling* decision **is** retroactive for such purposes. See *Edelman v. Keffer*, No.4:10-CV-531-Y (April 26, 2011, Response.) As the *Skilling* case is not applicable to Richardson's convictions, *Skilling's* being retroactive does not change the resolution of her § 2241 petition.

Richardson has moved for release on bail pending the outcome of this case. As she is not entitled to relief under § 2241, her motion for release on bail must be denied.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED, as modified.

Respondent Keffer's motion to dismiss (doc. 11) is GRANTED.

Richardson's motion for release on bail (doc. 16) is DENIED.

Jacqueline O. Richardson's petition for writ of habeas corpus under 28 U.S.C. § 2241 is DISMISSED for lack of jurisdiction.

SIGNED June 14, 2011.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE